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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,708	07/28/2003	Chin-Fu Horng	MR2349-952	3158
4586	7590	08/24/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			OLIVA, CARMELO B	
			ART UNIT	PAPER NUMBER
			2831	


DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,708

Applicant(s)HORNG, CHIN-FU **Examiner**

Carmelo Oliva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 4 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-3, ~~4~~⁵-8 and 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,489,555 in view of Chen (US 6,627,813).

DR 8/23/04

Regarding claim 1, claim 1 of U.S. Patent No. 6,489,555 discloses an electromagnetic interference (EMI) protective elastic plate comprising:

a contact wall (contact surface) having a pair of upper sidewalls (vertical upper stopper) extending downwardly and perpendicularly from two sides thereof;

a connect wall (sheet portion) extending downwardly and forwardly from an end of said contact wall and formed with an upper bending portion therebetween, another end of said connect wall forming a lower bending portion with a backward concave; and

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a solder wall (welding surface) connecting with said lower bending portion and having a pair of lower sidewalls (vertical lower stopper) extending upwardly and perpendicularly from two sides thereof.

However, said upper sidewalls and said lower sidewalls are not said to be slidably buckled to each other. Chen teaches in Fig. 3 an EMI shielding elastic plate having an upper and lower sidewall that are slidably buckled to each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have slidably engaged upper and lower sidewalls as taught by Chen in order to limit movement of the contact wall and solder wall with respect to each other.

Regarding claim 2, said upper sidewall of Chen can be respectively formed with an upward plate-like hook on a distal end thereof and said lower sidewalls are respectively formed with a vertical sliding slot thereon for said hooks of said upper sidewalls to buckle slidably therein.

Regarding claim 3, said lower sidewall of Chen is respectively formed with a downward plate-like hook on a distal end thereof and said upper sidewalls are respectively formed with a vertical sliding slot thereon for said hooks of said lower sidewalls to buckle slidably therein.

Regarding claim 5, wherein said contact wall of Chen further has a bending-like preventing plate formed on a forward end thereof.

Regarding claim 6, said lower bending portion of claim 1 of U.S. Patent No. 6,489,555 further has an inwardly concaved strengthening portion (enhanced portion)

adjacent to said solder wall, said solder wall thereby having a strengthened soldering efficiency.

Regarding claim 7, claim 1 of U.S. Patent No. 6,489,555 discloses an electromagnetic interference (EMI) protective elastic plate comprising:

a contact wall (surface) having a pair of upper sidewalls (vertical upper stopper) extending downwardly and perpendicularly from two sides thereof;

a connect wall (sheet portion) extending downwardly and forwardly from an end of said contact wall and formed with an upper bending portion therebetween, another end of said connect wall forming a lower bending portion with a backward concave; and

a solder wall (welding surface) connecting with said lower bending portion and having a pair of lower sidewalls (vertical lower stopper) extending upwardly and perpendicularly from two sides thereof.

However, a protruding plate is not said to protrude respectively from said upper sidewalls and said lower sidewalls, the protruding plates being slidably engaged to each other. Chen teaches in Fig. 10 an EMI shielding elastic element having protruding plates 141, 151 that are slidably engaged with each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have slidably engaged protruding plates as taught by Chen in order to limit movement of the contact wall and solder wall with respect to each other.

Regarding claim 8, said protruding plates of Chen respectively protrude horizontally from a bottom of said upper and lower sidewalls.

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Regarding claim 10, said contact wall of Chen further has a bending-like preventing plate formed on a forward end thereof, and wherein said lower bending portion of claim 1 of U.S. Patent No. 6,489,555 has an inwardly-concaved strengthening portion (enhanced portion) adjacent to said solder wall.

Allowable Subject Matter

3. Claims 4 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Claim 4 is allowable because the prior art alone or in combination does not teach or fairly suggest an EMI protective elastic plate wherein the upper and lower sidewalls are respectively formed with a pair of plate-like inverted portions on two distal ends thereof for slidably buckling with each other, taken in combination with the other claimed features.

Claim 9 is allowable because the prior art alone or in combination does not teach or fairly suggest an EMI protective elastic plate wherein each protruding plate is generally L-shaped and protrudes from a side and bottom edges of the upper and lower sidewalls, taken in combination with the other claimed features.


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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,305,067; US 6,359,215; and US 6,489,555 all show elastic plates for electromagnetic shielding.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmelo Oliva whose telephone number is (571)272-1982. The examiner can normally be reached flexible hours on Monday through Friday with every other Wednesday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard, can be reached at (571)272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

 8/23/04
DEAN A. REICHARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800